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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Satoshi HASHIMOTO et al.

Group Art Unit : Not yet assigned

Appl. No. : 10/596,107

Examiner : Not yet assigned

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For : REPRODUCTION DEVICE



**PETITION PURSUANT TO M.P.E.P. § 708.02(VIII) FOR
ACCELERATED EXAMINATION**

Commissioner for Patents
U.S. Patent and Trademark Office
Customer Service Window, Mail Stop Petition
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

Applicants petition to accelerate examination of the above-captioned application pursuant to 37 C.F.R. § 1.102, and submit herewith the following information, in accordance with the requirements set forth in M.P.E.P. § 708.02, Section VIII:

(A) This Petition is accompanied by the required fee set forth in 37 C.F.R. § 1.17(h).

(B) The application, as filed and amended pursuant to a Preliminary Amendment filed contemporaneously herewith, includes seven (7) claims, labeled claims 1-7, one of which is presented in independent form (claim 1). Applicants submit that claims 1-7 are directed to a single invention. However, in the event that the U.S.

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Patent and Trademark Office determines that all the claims presented are not obviously directed to a single invention, Applicants agree to make an election without traverse.

(C) An international search was made by a foreign patent office for corresponding International Application No. PCT/JP2005/008531 (Publication No. WO 2005/109875), which satisfies the requirement for a pre-examination search because the pending claims of the present application, as amended pursuant to the Preliminary Amendment filed contemporaneously herewith, are of the same or similar scope to the claims in the corresponding PCT application. A copy of the International Search Report is included herewith.

(D) Applicants submit that the following documents, which were cited in the above-reference International Search Report, are deemed most closely related to the subject matter encompassed by the claims, copies of which are submitted to the Examiner of the present application in the Information Disclosure Statement filed contemporaneously herewith:

- (1) JP 2001-157175;
- (2) JP 2005-92971; and
- (3) JP 8-256322.

(E) Applicants herewith provide the following detailed discussion of the above-mentioned references, pointing out how the claimed subject matter is patentable over the references:

The present application includes claims 1-7, one of which is an independent claim (claim 1). Independent claim 1 recites features that Applicants submit are not

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anticipated, suggested or rendered obvious by the references listed in Section (D), above.

The present invention is directed to a video playback apparatus that executes a computer program during the playing of a video stream. More particularly, independent claim 1 recites a playback apparatus for playing a video stream recorded on a recording medium, which includes a computer program to be executed during playback of the video stream. The video stream includes control information for specifying a playback timing of video of the video stream, and the computer program includes predetermined codes for designating images and a rendition time corresponding to each image. The playback apparatus includes a storage memory; a player operable to successively play the video according to the control information; a program executor operable to interpret and execute the predetermined codes for storing the designated images and the rendition time corresponding to each image in the storage memory; an image selector operable to select at least one image of the plurality of images based on (a) the playback timing of the video included in the control information and (b) the rendition time corresponding to each image stored in the storage memory; and a renderer operable to render the selected at least one image during playback of the video.

Applicants submit that at least the above features recited in claim 1 are not disclosed or suggested by documents (1) to (3), noted above, either individually or in combination, for the following reasons:

JP 2001-157175 (document (1)) discloses synchronization of a variety of media, for example, having different types of timing. See, e.g., paras. [0177] – [0178] of family

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member European Patent No. EP 1089199. However, Applicants submit that this document does not disclose at least designating images and rendition times in predetermined codes, executing the predetermined codes through control information included in a video stream, and selecting an image based on playback timing and rendition times of the control information. Thus, Applicants submit that this reference fails to disclose and/or suggest the above-mentioned features recited in combination in independent claim 1. Also, with regard to claims 2-7, Applicants assert that they are allowable at least because they depend, directly or indirectly, from independent claim 1, which Applicants submit has been shown to be allowable over document (1).

JP 2005-92971 (document (2)) discloses a reproduction control program for a DVD player connected to a video game machine, and includes instructions for acquiring identification information of contents recorded on the optical disk, obtaining a starting position and time for reproducing specified content, and controlling reproduction based on the obtained information. See, e.g., Abstract. However, Applicants submit that this document fails disclose at least designating images and rendition times in predetermined codes, executing the predetermined codes through control information included in a video stream, and selecting an image based on playback timing and rendition times of the control information. Thus, Applicants submit that this reference fails to disclose and/or suggest the above-mentioned features recited in combination in independent claim 1. Also, with regard to claims 2-7, Applicants assert that they are allowable at least because they depend, directly or indirectly, from independent claim 1, which Applicants submit has been shown to be allowable over document (2).

JP 8-256322 (document (3)) discloses a motion picture reproducing system that transmits video information to a terminal from a video server using bidirectional communication, in which characters and graphics are separately encoded to reproduce high quality images. See, e.g., Abstract; col. 2, lines 18-24, of family member U.S. Patent No. 5,699,472. The terminal reads out bit map codes stored in a user region of the motion picture codes, and reproduces the bit map data in a bit map decoder based on the codes, thus optimizing the transmission of data. Col. 2, lines 25-44. However, Applicants submit that this document does not disclose at least designating images and rendition times in predetermined codes, executing the predetermined codes through control information included in a video stream, and selecting an image based on playback timing and rendition times of the control information. Thus, Applicants submit that this reference fails to disclose and/or suggest the above-mentioned features recited in combination in independent claim 1. Also, with regard to claims 2-7, Applicants assert that they are allowable at least because they depend, directly or indirectly, from independent claim 1, which Applicants submit has been shown to be allowable over document (3).

In view of the above, Applicants submit that independent claims 1-7 are not anticipated by any of the above-mentioned references. Further, Applicants submit that the above-noted distinctions are such that a person having ordinary skill in the art at the time of Applicants' invention would not have been motivated to modify or combine any of the above-mentioned references in such a manner so as to result in, or otherwise, render

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obvious, the present invention, as defined by claims 1-7. Accordingly, Applicants submit that claims 1-7 are allowable over the above-mentioned prior art references.

Additionally, Applicants submit that the present Petition complies with all of the requirements (A) through (E) set forth in M.P.E.P. 708.02(VIII). Accordingly, Applicants respectfully request that this Petition to Make Special be granted and the examination of this application be accelerated.

Moreover, for at least the reasons set forth in (E), above, it is submitted that pending claims 1-7 of the present application are allowable over the prior art of record, and respectfully request an indication to such effect from the Examiner.

Should there be any questions or comments, the Examiner is respectfully requested to contact Applicant's representative at the below-listed telephone number in order to promptly resolve any such matters.

August 17, 2006
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Respectfully submitted,
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